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S E C R E T SECTION 01 OF 04 NAIROBI 000574

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SUBJECT: KENYA: BEHIND A CALM FACADE, HARDLINERS PREPARE FOR MORE VIOLENCE

Ref: Nairobi 379

Classified by Ambassador Michael E. Ranneberger for reasons 1.4 (b)
and (d).

¶1. (C) Summary: Kenya has been tense but remarkably calm since the end of January, thanks in large part to the progress being made in the Kofi Annan-mediated peace talks and the visit of the Secretary. Tensions remain very high, however, and behind this calm facade lurks the potential for more ferocious, ethnically-motivated violence. One sign is that ethnically-based forced evictions continue around Nairobi. More ominous are a steady stream of rumors that hardline elements from both sides of the political divide are organizing for more violence should the peace talks fail. The pivot will thus be the outcome of the peace talks. If a compromise is reached on power sharing that is seen as fair by all sides, support for organized violence is likely to ebb away. If not, however, then Kenya could see a wave of violence far worse than the unrest seen in January following the disputed election. End Summary.

A Deceptive Calm

¶2. (SBU) Kenya has remained tense but remarkably calm throughout the month of February. In late January, the country was shocked by violent, ethnically-motivated clashes in the tourist towns of Nakuru and Naivaisha, both not far from Nairobi. This was followed by the back-to-back murders of two opposition Orange Democratic Movement (ODM) parliamentarians on January 29 and January 31 (reftel), which led to a brief spasm of unrest in Kericho in western Kenya. In short, at the end of January, the country appeared teetering on the edge of all-out anarchy and sustained civil unrest and disobedience.

¶3. (SBU) Since then, however, Kenya has generally enjoyed an interlude of relative calm, in large part due to the progress made each week in the Kofi Annan-mediated peace talks, which has led both political camps to call for an end to violence. U.S. support for the talks, including through the Secretary's visit, has also helped reassure Kenyans. The current perception that the country's politicians are taking steps towards an agreement on power sharing, which could pave the way for political reconciliation and a return to normalcy, has since continued to keep tensions and violence at bay.

Forced Evictions Keep Nairobi On Edge

¶4. (C) The current state of relative calm, however, should not be interpreted as a return to sustained peace and normalcy. In fact, the opposite may be true. Throughout February, there has been a stream of anecdotal evidence and reporting indicating that ethnically-motivated forced evictions continue to occur around the country, including parts of Nairobi. While it is often difficult to conclusively confirm what is happening, it appears that in Nairobi, Kikuyu youth gangs, probably incited and funded by hardline Kikuyu politicians and businessmen, are taking revenge for the violent "ethnic cleansing" of their Kikuyu brethren in January in western Kenya by rival Luo, Kalenjin, and other groups. In early February, there was a spate of media and first-hand reports, including from U.S. Mission staff members, that Kikuyu gangs were marking the doors of non-Kikuyu residents in the Kilimani, Eastlands, and Kibera areas of Nairobi in an attempt to intimidate them into leaving. In the largely Kikuyu, rough-and-tumble area of Banana Hill on the city's northwestern edge, leaflets were allegedly circulating threatening non-Kikuyus with beheading if they did not leave. There were also many reports of Kikuyu landlords being threatened with violence if they did not summarily evict their non-Kikuyu tenants.

Militias: Preparing for Battle?

¶5. (C) More ominous than forced evictions are daily rumors about the formation and arming of ethnic-based militias in different parts of the country. It remains very difficult to confirm rumors that militias are being organized, but where there is so much smoke, there is likely to be fire, and the logic behind this phenomenon is compelling: Should the Kofi Annan-mediated peace talks fail, all sides want to be ready for the violent aftermath. Perhaps one of the

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most difficult puzzles to solve is the extent to which such militias are truly militias, characterized by a discernable chain of command and requisite weaponry and training, versus mere youth gangs organized and bussed to a site on an ad hoc basis to engage in violence when it is in the interest of hardline leaders to have them do so. In either event, however, the results are violent and difficult to control.

Kalenjins: Arming to the Teeth?

¶6. (C) The most persistent stories about militias have the Kalenjin community in Rift Valley Province as the best organized and most war-like. Conventional wisdom explains this as due in part to the Kalenjins' strong warrior/cattle rustling cultural tradition, but also to the fact that under the regime of Daniel arap Moi, Kalenjins filled out the ranks of the Kenyan military in disproportionately high numbers, including in the officer corps. As many as 25-30 senior Kalenjin officers lost their positions after the 2002 election of Mwai Kibaki, adding fuel to broader, longstanding grievances among the Kalenjin over unfair land allocations and economic and political marginalization at the hands of the Kikuyu.

¶7. (S) The combination of these grievances and the fact that many Kalenjins have military training and experience has created a potential scenario: That of a highly motivated and highly effective para-military force that could make Rift Valley Province ungovernable if the peace talks fail. While the Embassy is unable to fully confirm these reports at this time, Kalenjin militias are purportedly organizing under the leadership of retired Kalenjin General John Koech, and are arming themselves to the teeth, according to some contacts. (Note: Another contact, however, indicates Kikuyu politicians are attempting to link Koech to Rift Valley violence, but that he is in fact clean. His role thus remains unclear. End note). A local contact reports that the Kalenjin forces are in firm alliance with the self proclaimed Sabaot Land Defense Force (SLDF), a clan-based militia in the Mt. Elgon region of western Kenya established to defend ethnic Sabaots in land disputes that pre-date the post-electoral unrest. Indeed, there has been an increase in attacks, including cattle rustling and rape, by the SLDF in the Mount Elgon and Trans Nzoia areas on the homes of Kikuyu settlers. The

SLDF has historically been well armed, and is reportedly well-versed in obtaining weapons via Uganda.

Kikuyu Not Afraid to Strike Back

¶18. (C) On the other side, Kikuyu vigilantes are also organizing to defend against attacks or carry out revenge attacks on ethnic rivals.

Many attribute Kikuyu-led violence to the Mungiki, a well-established Kikuyu criminal organization/religious sect with deep roots in Kenyan history. However, after engaging in a violent crime spree last year well before (and unrelated to) the elections, the Kenyan policy cracked down on the group, reportedly fracturing its leadership. It is thus unclear whether the Mungiki have in fact been re-energized and are behind some of the current tensions, or whether newer groups have formed and ordinary Kenyans simply can't tell the difference. It's likely both scenarios are playing out, as the current environment is providing the perfect context for the rejuvenation of the Mungiki, as well as for the formation of new groups catering to the large numbers of unemployed, disaffected Kikuyu youth in Nairobi and elsewhere.

¶19. (S) According to an Embassy source, elements of the Kikuyu-dominated Party of National Unity (PNU) are backing the so-called "Forest Guard" militia, which includes Mungiki members and is being organized and led by retired General H.W. Njoroge, former Commandant of the National Defense College. Njoroge has reportedly put pressure on current Kenya Army Commander, Lieutenant General Augustino Njoroge (no known relation) to release G3 rifles and provide helicopter support to the Forest Guard. H.W. Njoroge is allegedly being assisted by retired Brigadier General Peter Ikenya, who is acting as Chief of Staff for the effort. This movement is reportedly receiving funding from a number of Kikuyu businessmen, including a Solomon Karanja and Steven Mbugwa. Mbugwa is said to be running fund raising and other financial support operations out of his business Muthaiga, Nairobi.

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¶10. (SBU) Finally, in the Coast Province, as in Rift, there is a tradition of youth organizing "in defense" of their communities. The Provincial Security Committee in Coast, acting on information that youths in the South Coast were being armed and trained "in readiness for war", held a meeting two weeks ago with the local elders in an attempt to dissuade the youth from continuing this preparation. Should other areas explode if current negotiations fail, the currently quiet province, popular with tourists, may see more turbulent times.

Police Transfers and Live Bullets

¶11. (C) In a related development, tensions are running high in the lakeside city of Kisumu in western Nyanza Province, around which much of the immediate post-electoral violence was centered. The Kenya Police Service (KPS) recently transferred 200 Luo and Luyhia officers from Nyanza Province, an ethnic Luo stronghold. KPS publicly stated that the transfers were routine, but police sources have since reported that the Provincial Police Officer (PPO) for Nyanza is on record as claiming that those being transferred were responsible for leaking police operational details to the opposition based on their Luo affiliation. The PPO also reportedly ordered his Officers in Charge to ensure the transfers took place no later than 22 February.

¶12. (C) On top of this came news last week from police sources that the PPO issued a stunning directive to his Station Commanders telling them that during any future political protests in the region, deadly force is immediately authorized. He further assured the officers that any query as to the nature of the death or injury resulting from this order should be directed to him personally and that he would support the "victimized" officers.

¶13. (C) Subsequently, an Embassy FSN Investigator based in Kisumu reported that a consignment of live ammunition, allegedly received

from Israel, had recently been received in Kisumu, and that 30 Kenyan Army troops had arrived in the city on February 21, to be joined within days by an additional 100 KPS/General Service Unit (GSU) personnel. These movements could be seen as prudent reinforcement on the part of the Kenyan Government, as KPS was unable to control the violence that erupted after the elections in early January. On the other hand, it could be an indication that the government does not expect the peace talks to succeed and is readying for a violent crackdown in that event. In response to the order to use live ammunition, the Ambassador wrote February 22 to Police Commissioner Ali to express U.S. concern about any such change in the rules of engagement for police in dealing with unrest. Text of this letter follows below in para 16.

Crime: Waiting for an Uptick

¶14. (SBU) Finally, in light of the distraction and stress on the police caused by ongoing political tensions, there is a real risk that there will be an uptick in ordinary crime in Kenya in the coming weeks and months. Even if a political agreement is reached, those now ready to engage in political and ethnic violence may turn their weaponry and attention to common crime instead as a new livelihood. The armed carjacking on February 15 in broad daylight of a U.S. Mission employee a short distance from the Embassy (the employee was robbed but released unharmed) served to remind that Kenya is rated "critical" for crime for a good reason.

Comment: Peace Deal Holds theKey

¶15. (C) Behind the current quiet facade, there is trouble lurking in the shadows. Whether the genie of ethnic-based violence can be put back in the bottle or not clearly hinges on the outcome of the Kofi Annan-led peace talks, now at a pivotal moment. If a compromise is reached that is agreeable to the two sides and most of their followers, then we believe much of the impetus and support for organized violence will fade away. If not, however, then we should brace for a fresh round of violence that could dwarf January's unrest in its scope and ferocity.

¶16. (SBU) Text of February 22 letter from the Ambassador to Police

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Commissioner Ali follows below:

Dear Commissioner Ali:

I would like to take this opportunity to first commend you and the vast majority of police professionals in the Kenya Police Service (KPS) for your efforts over the past few months in maintaining law and order during this most trying time in Kenya's history. I have been encouraged by the numerous reports received of KPS leadership effectively and peacefully engaging large gatherings, resulting in no injuries to the populace at the hands of authorities or the public. I also applaud all efforts to investigate and hold accountable all persons involved in inciting violence during this time, whether civilian or civil servant.

However, we have recently become aware that certain officers in charge have directed personnel under their command that "the immediate use of deadly force is authorized to quell any and all new political protests". Obviously, reports of this nature are both alarming and contrary to established rules of engagement and, in the spirit of true cooperation, I feel compelled to bring this to your immediate attention, as we have enjoyed a tremendous partnership across an array of law enforcement and security issues. Consequently, we believe that the established rules of engagement and situation-specific circumstances should continue to dictate the minimal use of deadly force.

We trust that you will continue to address this issue with the urgency and importance it merits.

Sincerely,

End text.

Ranneberger